THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22135 of 2006

26.10.2006

Between:

Siddem Yadavendrudu, S/o.Sriramulu

... Petitioner

AND

The Joint Collector, Kurnool District, Kurnool

And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22135 of 2006

ORDER:

This writ petition is filed questioning the order dated 20.8.2006 passed by the first respondent whereby and whereunder the revision petition filed by the fourth respondent was rejected advising the petitioner and fourth respondent to approach the Civil Court for declaration of their title to the land.

The petitioner claims to be the owner of the land in survey Nos.106 (Acs.2.10), 248 (Acs.0.15), 288 (Acs.3.00), 83 (Acs.2.08), 205/A2 (Acs.3.17), 530 (Acs.0.10), 242/B (Acs.0.63), 324/4 (Acs.0.10), 117 (Acs.4.42), 245/B (Acs.3.00), 135 (Acs.2.50) and 211/B1B (Acs.2.05) situated at Gadigarevula village of Gadivemula Mandal in Kurnool District. He applied for grant of Pattadar Pass Books (PPBs) in respect of the said land. The third respondent by proceedings dated 20.5.2003 rejected the application. The petitioner then filed appeal before the second respondent, who allowed the appeal and directed the third respondent to issue PPBs to the petitioner. The fourth respondent then approached the first respondent by way of a revision petition, which was disposed of observing that the petitioner and the fourth respondent should resolve the dispute in a Civil Court.

A perusal of the impugned order would show that the land admeasuring As.11.40 in survey No.117 was purchased by four co-brothers-in-law, namely, Siddam Ganganna, S. Venkataramudu,

Siddam Sunkanna and S.Mahanandi, in 1925 and they were jointly enjoying the property. In 1929, S.Mahanandi sold his share of Acs.2.85 to other three joint owners, who became entitled to Acs.3.80 cents each. The legal heirs of these three joint owners partitioned the property under an unregistered document dated 13.10.1944, in which Rachamalla Bugganna, S/o.Ganganna got Acs.4.20, Chinna Ramanna, S/o.Venkataramudu got Acs.3.65 and Balanna, S/o.Sunkanna got Acs.3.55 cents. The fourth respondent is the legal heir of Bugganna and the petitioner herein is the legal heir of Balanna. The petitioner, however, claimed that wife of Sunkanna executed a relinquishment deed in favour of Sunkanna and Balanna and, therefore, he alone is entitled for the share in survey No.117 to the extent of their shares. This was however disputed by the fourth respondent. Therefore, the Joint Collector after perusing the registered and unregistered documents relied by the petitioner and fourth respondent came to the conclusion that there is a genuine dispute of title between them.

Learned Counsel for the petitioner submits that as legal heir of Bugganna, S/o.Ganganna is entitled for Acs.4.00 as per the unregistered settlement deed/understanding dated 13.10.1944, that he alone is enjoying the properties since and, therefore, issue of PPBs as per the orders of the Revenue Divisional Officer (RDO) cannot be faulted. **Per contra**, learned Assistant Government Pleader for Revenue (General-A) submits that when there is a dispute regarding title, under Section 8(2) of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity), the parties have to seek remedy in a Civil Court and PPBs and title deeds would be issued in accordance with the decree of the Civil Court.

A perusal of the material placed on record including the impugned order would show that admittedly Siddam Ganganna and three others, who purchased the land in 1925, had equal share in the property. Subsequently by reason sale by one of the joint owners (Mahanandi) under unregistered document No.1124 of 1929 dated 09.6.1929 to the other joint owners, the remaining three joint owners became entitled to 1/3rd share each in the total extent of Acs.11.40 cents. In support of the claim that petitioner's father succeeded to Acs.4.20 cents, which is certainly little more than 1/3rd share, the petitioner obtained PPB in respect of the said land. This was disputed

by the fourth respondent. Hence, unless and until the matter is resolved by a Civil Court as to the validity of the documents relied by the petitioner and fourth respondent, the Recording Authority/Appellate Authority/Revisional Authority under the Act, cannot decide the entitlement of the petitioner and fourth respondent, for grant of PPBs and title deeds. Indeed, the petitioner claims that he alone has been in possession of the property and, therefore, even if the PPBs are not granted or the issue is kept pending, no harm would be caused to the petitioner, nor fourth respondent can dispossess the petitioner by reason of the impugned order. The first respondent acted legally in advising the parties to go to the Civil Court and resolve the dispute.

The writ petition is misconceived and is accordingly disposed of. No costs.

October 26, 2006 (**V.V.S.RAO,J**)
YS